

Amended claims - marked

1. (once modified)

An improved universal fork comprising:

- a. a handle shaft, having a back end that enlarges in diameter and  
5 circumference along its length toward the back end, where said  
handle shaft also has a front end that is joined on its front portion to a  
fork head;
- b. a fork head having inner and outer tines, where said outer tines define  
curved outer edges;
- 10 c. a finger platform, on each side of the handle, comprising a  
deformation of the handle shaft at the point along the length of the  
handle on the central handle shaft, [where the handle is joined to the  
fork head,] where said finger platform defines an enlarged flat side  
surface against which a person's forefinger is able to press against.

8. (once modified)

An improved universal fork, as recited in claim 1, having

- a. a handle shaft, having a back end that enlarges in diameter and  
circumference along its length toward the back end, where said  
handle shaft also has a front end that is joined on its front portion to a

fork head;

- b. in which the fork head comprises inner tines and outer tines, and where the inner tines have angled sharpened ends, with the end portions of the inner tines having a decreased circumference, so that the tips will break off when a shearing stress is applied to them;
- c. a finger platform, on each side of the handle, comprising a deformation of the handle shaft at the point along the length of the handle prior to the defined fork head, [where the handle is joined to the fork head,] where said finger platform defines an enlarged flat side surface against which a person's forefinger is able to press against.

It is requested that the amendments to the claims be entered and said claims allowed.

### III. Amendments to Specification

Please insert the words - - and diameter - - on page 14, line 6, after the word circumference”.

Please insert the following on page 20, line 3, after the word “cut.”: -- The finger platform area 15 is defined along the length of the central handle shaft 11, so as to provide optimal leverage during the cutting procedure. --

This language provides a description that is obvious with regard to the drawing figures, and does not add new subject matter, in light of the description of the head and handle in the existing part of the application.

It is requested that the amended specification be allowed.

## Detailed Argument Response to Examiner's comments

### Claim Rejections under 35 USC § 102

Applicant respectfully disagrees with the examiner's reason for rejection under this provision. The present invention is not clearly anticipated by Gorton.

A review of Gorton (U.S. Pat. No. 3,409,059) indicates that the utensil in this patent is intended to cover a novel method and apparatus "for use in serving a lemon wedge in a more attractive manner at the table to facilitate application of the juice of the lemon to the food being served." (Gorton, col. 1, lines 24-26). A further review of Gorton indicates that the modified form, shown in figures 4 - 6, replace the spike shown in figures 1-3, but that the expanded portion, indicated by 54 and 56 are "legs" that define a "serrated web portion" (col. 2, lines 72-73 and col. 3, lines 1-2).

The utensil shown in Gorton is not usable in the manner that the present invention is. "Legs" 54 and 56 do not appear to have any use other than as guides for a lemon wedge. It is not apparent, and neither does Gorton anticipate using 54 and 56 as a platform to use for stability when treating the utensil as a cutting instrument.

The modified form, shown in figures 4-6 of Gorton do not indicate a fork that utilizes any type of sharpened edge. There is no curvature to this instrument. There are no curved outer tines, and no defined or inherent cutting edge. Further, the obvious dimensions of the fork shown in figures 4-6 would not allow side legs 54 and 56 to be used as a support surface for a person's fingers.

### Claim Rejections under 35 USC § 103

With regard to the first portion of the examiner's rejection, the Applicant would assert that Gagnon and Town et al. do not render the present invention obvious in claims 1-7, 9, 11-12 and 15-16.

#### Handle Portion

Applicant would concede that a wider handle toward the back of the utensil is not uncommon. The utensil in the present invention has a balance to the handle, in relation to the rest of the fork utensil. The handle in the present invention provides a specific area for a person's palm to contact during cutting. Both Gagnon et al. and Town et al. have widened handles, but they are not rounded, and the widened portion in these previously issued patents are only in 2 dimensions. The present inventions increases in diameter in all directions as the handle is formed toward the back portion of the present utensil. "Ordinary skill" is not fatal to the present invention, since neither prior art patent cited does anything more than give a wider top surface, but not a thicker side surface. The use of forks is not new, but the manner in which the present invention is usable is novel. Neither Gagnon et al. or Town et al. is usable in the manner that the present invention is in the rejected claims.

#### Serrated Edges

Town et al. (U.S. Patent No. Des. 387,953) teaches a modified fork with multiple tines. The pasta fork in Town et al. appears to be nothing more than a stamped piece of metal that has been formed with modified tines. Since this is a design patent, the manner of use of the serrated edges is subject to interpretation. Clearly the fork in Town et al. is intended for soft foods such as Pasta, and the narrow width of the Town et al. fork would have little use with food items that were more difficult to cut.

The serrated edge limitation is only present in claims 15 and 18 of the present invention. The presence of serrated edges in Town et al. do not teach all other cutting edges. In fact, the curved sharpened blade edge in the present invention, as well as the dull curved edge in the present invention, would each cut pasta more effectively than the Town et al. fork. If the serrated edges in Town et al. are

interpreted as being useful for meat products, again the lack of supporting side surfaces on the Town et al. fork make it a poor choice for difficult cutting tasks, that the present invention is well suited for.

The fork shown in Gagnon et al. is a well recognizable plastic fork, which has side walls for overall strength in the length of the fork. If the fork in Gagnon et al. were constructed of a more rigid material, such as metal, this fork would still lack several aspects that the present invention does. For example, in claims 9 -18 there are numerous limitations given regarding the sharpened blade edges and serrated edges. The fork in Gagnon et al. would not be usable with any type of cutting surface on the side of the fork, since figure 1 clearly shows side edges that have no blade qualities whatsoever, and would not be modified to such. Accordingly, nether patent alone or in combination with each other makes the present invention obvious in any respect.

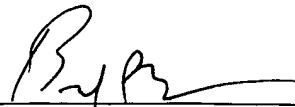
The present fork has a structure that is particularly adaptable to resin or plastic, as well as metal. The fork in Town et al., for example, would not be very functional in a plastic construction, since it would easily break and be unusable for cutting anything more than soft noodles. The present invention can take advantage of the materials as specified in claims 5 - 7.

#### Claims 10 and 17

Claims 10 and 17 should not be rejected with the inclusion of the limitations of a broad finger rest area, as the present invention has. The handle in Cox is not shown or described, and can only be interpreted as a handle similar to Town et al. for example. Sharpened edges are novel in the present invention due to the inclusion of the limitations of the finger rest.


#### Claims 13-14

Claims 13 and 14 should not be rejected as they relay on the inclusion of the limitations of a broad finger rest area, as the present invention has. The handle in Bouchakian is a thin strip. The tab, indicated as number 45, is really part of the head of the fork, and not a portion of the handle. Again the prior art cannot meet the same benefit level as the present invention does. The claims have been modified so as to make them allowable in light of the examiner's comments.

  
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